



# City of Franklin

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Franklin, TN 37064  
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## Meeting Minutes

### Franklin Municipal Planning Commission

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Thursday, February 27, 2020

7:00 PM

Board Room

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**Present** 9 - McLemore, Harrison, Hathaway, Petersen, Orr, Allen, Franks, Lindsey, and Szilagyi

#### CALL TO ORDER

#### MINUTES

1. Approval of the January 23, 2020 minutes.

**Attachments:** [DRAFT January 2020 FMPC minutes](#)

**Alderman Petersen moved, seconded by Commissioner Harrison, to approve the minutes from January 23, 2020 as presented. The motion carried by the following vote:**

**Aye:** 9 - McLemore, Harrison, Hathaway, Petersen, Orr, Allen, Franks, Lindsey, and Szilagyi

#### CITIZEN COMMENTS ON ITEMS NOT ON THE AGENDA

*Chair Hathaway asked for citizen comments. There were none.*

#### ANNOUNCEMENTS

*Chair Hathaway asked if Staff had any announcements.*

*Ms. Emily Hunter, Director of Planning & Sustainability, stated that she had one announcement. She stated that the FMPC Commissioners would be receiving correspondence from her over the next 3 to 4 weeks. She stated that the City would be switching to a new agenda software. Ms. Hunter stated that new devices had been purchased for the Commissioners that will work with the new software. She stated the devices would be available around March 15th. At the March 26th Joint Conceptual Workshop, there would be a training for the new software and devices. The training would be conducted by Ms. Angie Johnson, Deputy City Recorder.*

#### VOTE TO PLACE NON-AGENDA ITEMS ON THE AGENDA

*Chair Hathaway asked if there were any non-agenda items to be presented. There were none.*

#### CONSENT AGENDA

**Approval of the Consent Agenda**

**Commissioner Allen moved, seconded by Commissioner Orr, to approve items 4-9, as presented on the Consent Agenda. The motion carried by the following vote:**

**Aye:** 9 - McLemore, Harrison, Hathaway, Petersen, Orr, Allen, Franks, Lindsey, and Szilagy

**VESTED RIGHTS EXTENSION**

2. Consideration Of Resolution 2020-07: A Resolution Amending The Aspen Grove PUD Subdivision, Section O, Lot 4, Site Plan To Extend The Vested Rights, For The Property Located At The Intersection Of Cool Springs Boulevard And Windcross Court.

**Attachments:** [Vesting Extension Request Letter COF 6244](#)

[EXHIBIT A MAP 6244 Vesting Extension](#)

[Exhibit B COF 6244 - Aspen Grove, Sec O, Lot 4 \(The Franklin at Legends View\)](#)

[RES 2020-07 Vesting Extension Aspen Grove PUD Subdivision Section O Lot 4 with Exhibits Law Approved](#)

*Ms. Amy Diaz-Barriga, Current Planning Supervisor, stated that the applicant is requesting an extension the vesting period for the site plan associated with the Aspen Grove PUD Subdivision, Section O, Lot 4. The Site Plan was originally approved on the March 2017 Administrative Agenda. In terms of vesting, the site plan is considered the preliminary development document, as it was not associated with an overall development plan. Therefore, it has been vested for three years, or until March 2020. In order to retain it's vesting, the development must also record a final plat and commence site preparation and construction.*

*The applicant has not completed these requirements, and therefore is requesting an extension of three years to complete these two outstanding requirements. They are not requesting an extension to their overall 10-year vesting period. The project will still maintain a maximum vesting period of 10 years from its original approval date.*

*This site is particularly challenging due to the access easement required across this property, extending to the west. This site plan, as it was approved, identified the appropriate location for the cross-access easement, as agreed upon by both the property owner and the adjacent property owner. Maintaining this agreed upon location is considered important to staff to ensure that cross connectivity to the traffic light at Windcross Court can be maintained for the properties on the north side of Cool Springs Boulevard.*

*Under the Zoning Ordinance in which this site plan is vested under, the request for site plan extension for this type of vested plan falls to the Planning Commission for review and approval, not the Board of Mayor and Alderman.*

*Staff recommended approval.*

*Chair Hathaway asked if there were any citizen comments. There were none.*

*The Applicant was represented by Mr. Eric Powers, Integrous Architecture, LLC. The Applicant stated he was there to answer any questions.*

*Chair Hathaway asked for a motion.*

*Commissioner Harrison moved, seconded by Commissioner McLemore, that Resolution 2020-07 be approved.*

*Chair Hathaway asked for any discussion on the motion.*

*There being none, Chair Hathaway asked for a vote on the motion.*

*The motion carried unanimously.*

**Commissioner Harrison moved, seconded by Commissioner McLemore, that Resolution 2020-07 be approved. The motion carried by the following vote:**

**Aye:** 9 - McLemore, Harrison, Hathaway, Petersen, Orr, Allen, Franks, Lindsey, and Szilagyi

## **REZONINGS AND DEVELOPMENT PLANS**

3. Consideration Of Resolution 2019-111, A Resolution Approving A Development Plan For Downs Boulevard Properties PUD Subdivision With 2 Modifications Of Development Standards, For The Property Located North Of Downs Boulevard And West Of Columbia Avenue, On 2.68 Acres, Located At 1536 Columbia Avenue. (Construction Of A Gas Station) Establishing A Public Hearing On April 14, 2020. (FMPC 2/27/20, 9-0; WS 3/10/20)

**Attachments:** [RES 2019-111 Downs Blvd Prop PUD \(Twice Daily\) with Exhibits.Law Approved 2](#)  
[MAP 7081 Downs Blvd Prop 2020](#)  
[7081 Downs Blvd PUD Twice Daily\\_DP\\_Conditions of Approval\\_02](#)  
[7081 Downs Blvd-Twice Daily\\_PUD Plans\\_archive](#)  
[Fwd\\_Twice Daily Development Plan Deferral Request \(COF 7081\)](#)

*Mr. Joseph Bryan, Principal Planner, stated that the applicant has submitted a development plan for the construction of a fueling station for the property located at 1536 Columbia Avenue. The property is zoned Planned District (PD) and is located in the Neighborhood Mixed Use Design Concept as defined by the Envision Franklin Land Use Plan. Additionally, the parcel is located in the Columbia Avenue Overlay-Special Area 3 (CAO 3) which has additional regulations to create a more pedestrian-oriented commercial node that serves adjacent residential neighborhoods.*

*The proposed layout of placing the retail component at the rear of the property and the fuel canopy at the front along Columbia Avenue does not meet the recommendations of Envision Franklin or the Columbia Avenue Overlay District standards in the Zoning Ordinance as this design is structured more for vehicular rather than pedestrian traffic.*

*There are two Modification of Standard (MOS) requests with this plan.*

*Mr. Bryan stated that this development plan was submitted last year (2019), and is therefore reviewed under the previous Zoning Ordinance.*

*For MOS 1, the applicant is requesting to locate the canopy along Columbia Avenue with the retail component located on the side of the property. Section 4.1.6(3)(a) of the Franklin Zoning Ordinance states, "Canopies... shall not be freestanding or attached to an accessory structure unless located to the rear of the principal structure." The proposed location of the canopy at the front of the property along Columbia Avenue does not meet the regulations or the design intent of the Zoning Ordinance.*

*Staff recommended disapproval of the First Modification of Standards request.*

*For MOS 2, the applicant is requesting a drive-through use component as part of the Development Plan for this property. Section 3.4.7(f)(g)(ii) of the Franklin Zoning Ordinance prohibits the use of drive-throughs in this location, "Drive-through uses are prohibited on properties north of Downs Boulevard to create a pedestrian-oriented node." The subject property is located on the north side of Downs Boulevard within CAO-3. Since the proposed site layout, and specifically the drive-through, does not align with the design intent of Envision Franklin's Neighborhood Mixed Use Design Concept or the Columbia Avenue Overlay District in this location, staff recommended disapproval of the second Modification of Standards request.*

*Staff recommended disapproval to the Board of Mayor and Aldermen.*

*Chair Hathaway asked if there were any citizen comments. There were none.*

*The Applicant was represented by Mark Spalding, Gresham Smith + Partners. The Applicant stated that the architect and representatives for the owners were present to answer any questions. He stated that there were two Modification of Standard requests. Mr. Spalding referred to the development plan. He stated that the drainage would flow across the lot toward Columbia Avenue. He stated that they would need a stormwater management basin. He stated this would create a bigger greenspace and push it away from Columbia Ave. He stated that they would add additional landscaping. He stated this would be similar to the Carother's Twice Daily store. Regarding the drive through, it would be over 100 feet away from Downs Blvd. He stated there was plenty of landscape, distance, and there would be parked cars. He asked for a favorable approval.*

*Chair Hathaway asked for a motion.*

*Commissioner McLemore moved, seconded by Commissioner Franks, that Resolution 2019-111 be recommended to the Board of Mayor and Aldermen for approval.*

*Chair Hathaway asked for any discussion on the motion.*

*Commissioner Allen stated that she supported this item. She stated that the best place for the pumps would be in the front.*

*Commissioner Szylagyi stated for this use, as a gas station, the drive through would be complementary for the service provided.*

*Chair Hathaway asked for a motion for MOS 1.*

*Commissioner McLemore moved, seconded by Commissioner Orr, to recommend approval of MOS 1.*

*Chair Hathaway asked for any discussion on the motion.*

*There being none, Chair Hathaway asked for a vote on the motion.*

*The motion to approve MOS 1 carried unanimously.*

*Commissioner McLemore moved, seconded by Commissioner Harrison, to recommend approval of MOS 2.*

*Chair Hathaway asked for any discussion on the motion.*

*There being none, Chair Hathaway asked for a vote on the motion.*

*The motion to approve MOS 2 carried unanimously.*

*Chair Hathaway asked for any discussion on the motion to amend the main motion.*

*There being none, Chair Hathaway asked for a vote on the main motion, as amended.*

*The motion carried unanimously.*

Commissioner McLemore moved, seconded by Commissioner Franks, that Resolution 2019-111 be recommended to the Board of Mayor and Aldermen for approval, as amended. Commissioner McLemore moved, seconded by Commissioner Orr, to recommend approval of MOS 1 (9-0). Commissioner McLemore moved, seconded by Commissioner Harrison, to recommend approval of MOS 2 (9-0). The main motion, as amended, carried by the following vote:

**Aye:** 9 - McLemore, Harrison, Hathaway, Petersen, Orr, Allen, Franks, Lindsey, and Szilagyi

#### SITE PLANS, PRELIMINARY PLATS, AND FINAL PLATS

4. Berry Farms Town Center PUD Subdivision, Final Plat, Section 11, Revision 2, Creating Four Multifamily and Commercial Lots and One Open Space Lot, On 29.32 Acres, Located At Rural Plains Circle. (CONSENT AGENDA)

**Attachments:** [MAP 7100 BFTC PUD FP Sec 11 Rev 2](#)  
[7100 BFTC FP Sec 11 Rev 2 Conditions of Approval 01](#)  
[Berry Farms Final Plat Section 11 Rev 2](#)

**This Planning Item was approved.**

5. Pray Property Subdivision, Final Plat, Creating Two Single-Family Lots On 0.19 Acres, Located At 1153 Carter Street. (CONSENT AGENDA)

**Attachments:** [Carter St 1153 - Plat - Ver 4](#)  
[MAP 7170 Pray Prop Sub FP](#)  
[7170 Pray Prop Sub FP Conditions of Approval 01](#)

**This Planning Item was approved.**

6. Tap Root Hills PUD Subdivision, Final Plat, Section 5, Creating 37 Single-Family Residential Lots And One Open Space Lot, On 13.06 Acres, Located Near The Intersection Of Francreek Drive and Farmhouse Drive. (CONSENT AGENDA)

**Attachments:** [7174 Tap Root Hills Section 5 Final Plat](#)  
[7174 Map Tap Root Sec 5](#)  
[7170 Pray Prop Sub FP Conditions of Approval 01](#)

**This Planning Item was approved.**

7. Water's Edge PUD Subdivision, Final Plat, Section 5, Revision 1, Amending Setbacks On 57 Residential Lots, On Approximately 40 Acres, Located South Of Robinson Lake And West Of Carothers Parkway. (CONSENT AGENDA)

**Attachments:** [MAP 7175 Waters Edge Final Plat, sec 5 rev 1](#)  
[COF 7175 Waters Edge Conditions of Approval\\_01](#)  
[COF 7175 Survey Waters Edge FP](#)

**This Planning Item was approved.**

8. Westhaven PUD Subdivision, Final Plat, Section 20, Lot 848, Creating 1 Lot On 6.1 Acres Located North Of Boyd Mill Pike And East Of Stonewater Boulevard. (CONSENT AGENDA)

**Attachments:** [MAP 7176 Westhaven FP sec 20](#)  
[COF 7176 Westhaven Amenity Conditions of Approval\\_01](#)  
[COF 7176 Survey FP WH Amenity Center](#)

**This Planning Item was approved.**

9. Westhaven PUD Subdivision, Final Plat, Section 54, Creating 37 lots, On 35.06 Acres, Located South of Calico Street and East of Elliot Road. (CONSENT AGENDA)

**Attachments:** [MAP 7177 Westhaven FP sec 54](#)  
[COF 7177 WEsthaven FP 54 Conditions of Approval\\_01](#)  
[COF 7177 Survey WH Section 54](#)

**This Planning Item was approved.**

#### NON-AGENDA ITEMS

*Chair Hathaway asked if there were any other non-agenda items to discuss. There were none.*

#### ANY OTHER BUSINESS

*Chair Hathaway asked if there was any further business. There was none.*



**ADJOURN**

*There being no further business, the meeting adjourned at 7:18 p.m.*

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*Chair, Mike Hathaway*

**Commissioner Harrison moved, seconded by Commissioner Orr, to adjourn. The motion carried by the following vote:**

**Aye:** 9 - McLemore, Harrison, Hathaway, Petersen, Orr, Allen, Franks, Lindsey, and Szilagyi